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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
PAYNE, SHARON E				
ART UNIT		PAPER NUMBER		
2875				
NOTIFICATION DATE		DELIVERY MODE		
07/15/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/582,941

Applicant(s)

COLLOMB ET AL.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-10 and 13 is/are rejected.
- 7) ☒ Claim(s) 5, 11-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

1. The prior non-final rejection is withdrawn, and a new set of rejections follows.

Claim Objections

2. Claims 5, 11 and 12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims 5, 11 and 12 have not been further treated on the merits.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Appleman (U.S. Patent 2,693,165).

Regarding claim 1, Appleman discloses a handle (Fig. 1) that is mounted so as to pivot about an axis (Fig. 1) to actuate at least one electric switch unit (Fig. 1) and is illuminated by a light source (48), the handle comprising a cap (Fig. 2, top) forming a disk (45) and a gripping tab

(Fig. 1) that protrudes in a diametral plane (Fig. 1) and delimits a hollow space (Fig. 2, left) characterized in that the cap is made of translucent or transparent material capable of allowing the light to travel to the outside (Fig. 2, see light rays), the cap covering an integrated mechanical base (30) made of opaque and mechanically strong material (Fig. 2), and a light diffuser element (51) housing in the handle (Fig. 2) conducting light originating from the light source (48) from beneath the base (Fig. 2) to the hollow space of the tab (Fig. 2). Appleman does not disclose the light source being substantially disposed along the axis.

Disposing the light source substantially along the axis is considered to be an obvious rearrangement of parts. Since the light source is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to dispose the light source along the axis to produce the desired optical effect.

Concerning claim 2, Appleman discloses the mechanical base being generally annular in shape (Fig. 2 on the bottom and Figs. 1 and 3) and has on the underside at least one actuation member (43) interacting with a mechanism (Fig. 1).

Regarding claim 3, Appleman discloses the light diffuser (51) has a light entrance face (Fig. 2), traverses the annular shaped base (Fig. 2) via a central orifice aligned with the axis (Fig. 2) and has a light emitter (see reflective surface 30) in the hollow internal space of the tab in order to diffuse the light (Fig. 2).

Concerning claim 4, Appleman discloses the light emitter (30) housing in the hollow space of the tab is shaped like a prism (Fig. 2) and receives light from a light entrance unit (Fig. 2, center, see light rays) attached to the bottom of the handle (Fig. 2).

Regarding claim 6, Appleman discloses that the handle comprises a gripping tab (Fig. 2, top), an angular position display pointer (Fig. 1) made of the same material as the mechanical base (Fig. 2, see left portion of knob) and moulded together therewith (Fig. 2).

Concerning claim 7, Appleman does not disclose the pointer being an "L" shape. Making the pointer in the shape of an "L" is considered to be an obvious variation. Since the pointer is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the pointer in the shape of an "L", since changes in shape involve only routine skill in the art. See MPEP 2144.04.

Regarding claim 8, this claim constitutes a process limitation in an apparatus claim that is not given patentable weight. See MPEP 2113.

Concerning claim 9, Appleman discloses the handle (Fig. 1—larger horizontal protrusions) being attached to a tubular rotary actuator (Fig. 2, top left) whose central bore allows the light beam originating from the light source to pass through (Fig. 2) and that is provided with a cam shape (42, Fig. 3) acting on at least on electric unit control cursor (column 2, lines 30-40).

Using a plurality of cam shapes is considered to be an obvious variation. Since the cam shape is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of cam shapes to activate a plurality of switches, since duplicating parts only involves routine skill in the art. See MPEP 2144.04.

Concerning claim 13, Appleman does not specifically disclose the color of the gripping tab. Making the gripping tab colorless translucent or transparent material, the color of the light emitting by the source and transmitted to the gripping tab being correlated with that of the material of the mechanical base is considered to be an obvious variation, since changes of aesthetics involve only routine skill in the art. See MPEP 2144.04.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Appleman in view of Demi (U.S. Patent 3,421,474).

Regarding claim 10, Appleman discloses the other end of the tubular portion having a cam shape (42) to move the cursors (column 2, lines 30-40). Appleman does not disclose a snap-fit tubular portion or a plurality of cam shapes. Demi discloses the tubular rotary actuator having a tubular portion that is snap-fitted close to one end onto a central collar of the handle (column 4, lines 3-16, and Fig. 2).

Using a plurality of cam shapes is considered to be an obvious variation. Since the cam shape is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a plurality of cam shapes to activate a plurality of switches, since duplicating parts only involves routine skill in the art. See MPEP 2144.04.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the configuration of Demi in the apparatus of Appleman to simplify the assembly of the apparatus. See column 4, lines 3-16, of Demi.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2875

7. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sharon E. Payne/
Primary Examiner, Art Unit 2875